



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

May 27, 2020

By ECF

Honorable Rachel P. Kovner
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: *Chunn, et al. v. Warden Derek Edge*,
Civil Action No. 20-cv-1590 (Kovner, J.) (Mann, M.J.)

Dear Judge Kovner:

Respondent respectfully informs the Court of supplemental authority in further support of his motion to dismiss the Amended Petition. Specifically, today, in the matter, *Wragg v. Ortiz*, No. 20-CV-5496, Dkt. No. 40 (D.N.J. May 27, 2020) (Bumb, J.), the District of New Jersey issued a decision in a putative class action brought by inmate-petitioners at the Federal Correctional Institution at Fort Dix, New Jersey, who contend that they are being held in violation of the Eighth Amendment due to the alleged lack of protective measures by BOP officials to contain the spread of COVID-19 at their BOP facility. As set forth in the attached 89-page opinion, the district court granted the Government's motion to dismiss in its entirety and denied the petitioners' motion for preliminary injunctive relief. The decision is expected to be published shortly.

Respondent thanks the Court for its consideration of this matter.

Respectfully submitted,

RICHARD P. DONOGHUE
United States Attorney

By: _____ /s/
James R. Cho
Seth D. Eichenholtz
Joseph A. Marutollo
Paulina Stamatelos
Assistant U.S. Attorneys
(718) 254-6519/7036/6288/6198
james.cho@usdoj.gov
seth.eichenholtz@usdoj.gov
joseph.marutollo@usdoj.gov

pauline.stamatelos@usdoj.gov

Encl.

cc: The Honorable Roanne L. Mann (By ECF)
All Counsel of Record (By ECF)